

WASHINGTON COUNTY (UTAH). COUNTY RECORDER ^[1325]

LIENS, 1908-1967

2 microfilm reels

DESCRIPTION: The documents in this series relate to two general types of liens: mechanic's liens and public welfare liens. Mechanic's liens are claims against real property to secure just payment for labor, services of materials provided to a property owner. Posting notice and recording the lien with the county recorder provided notice to other potential claimants and prompted the court to hear and act upon the claims (Utah Code, Annotated, 1953, 38-1-1 to 38-1-26). Public welfare liens are claims against the real property of individuals on public welfare and were designed to secure reimbursement for funds advanced to them. Public welfare liens were collectable only at the property owner's death or the sale of his property.

Mechanic's liens were designed to insure payment to contractors and others who enhanced property value. Contractors, subcontractors, laborers, merchants or others who did not receive just payment for services or labor contracted or for materials provided could claim a lien against the property owner. The Washington County recorder kept mechanic's liens in a separate book, 1908-1958. These liens describe unpaid-for materials or labor, including such things as agreed-upon wages, a description of the work performed, hours worked and materials provided. They also provide a legal description of the property against which the lien is claimed and name the owner. In the book, mechanic's liens carry a variety of titles, such as contractor's lien, material man's lien, or merchant's lien.

Public assistance liens were established by the Public Assistance Act of 1947. According to this act, public assistance was to be provided for all needy individuals in the state who did not have sufficient resources to maintain a minimum standard of living, and public welfare boards were established in each county to administer assistance. When Public Welfare invested money in a home, either in the form of mortgage payments or in improvements to make the

home inhabitable, they were authorized to take a lien to secure this investment. Foreclosure of the lien could occur only at the recipient's death or the sale of the property. This act further authorized the Public Welfare Board to effect a lien against the property of applicants for old age assistance. These liens were designed to secure the reimbursement of funds issued to persons receiving old age assistance. Again, the Board could not seek foreclosure until the applicant's death or until the property was transferred (Laws of Utah 1947, Chapter 89 as amended by S.B. 23 Special Session enacted by 27 Legislature of State of Utah). Public assistance liens kept by the Washington County recorder (1949-1967) contain a legal description of the property involved and include the property owner's authorizing signature.

In addition to liens, the books in this series contain other documents related to liens. These include assignments of a lien, lien discharges, powers of attorney issued to collect a lien, and Washington County Public Welfare Board documents relating to authorization of individuals to sign deeds and discharge liens.

ARRANGEMENT: Lien records are recorded chronologically.

RESEARCH NOTE: The Washington County recorder kept lien records in separate books from 1908 to 1958. In that year, she began keeping them in the same book with cemetery deeds, even though they are unrelated. Lien Book 1 contains only mechanic's liens. Lien Book 2 contains both mechanic's and public assistance liens. The cemetery deeds book contains only public assistance liens.

RELATED RECORDS: Prior to 1908 mechanic's liens were recorded in DEEDS (SAINT GEORGE), series 23286 and in DEEDS (SILVER REEF), series 23263, and possibly in deed books in other areas. Mechanic's liens were recorded in ABSTRACTS, series 16432, ABSTRACTS (SAINT GEORGE), series 23554, and in ABSTRACTS (TOWNS), series 23555. Liens were noted in MISCELLANEOUS RECORDS INDEX, series 23468.

PROCESSING NOTE: Washington County lien books were microfilmed by Utah State Archives in September 1973 and processed by Rosemary Cundiff in January 2001.

PREFERRED CITATION: Cite the Utah State Archives and Records Service, the creating agency name, the series title, and the series number.

CONTAINER LIST

Reel	Description
1	Apr 1908-Nov 1940 (Lien Book 1)
1	Nov 1940-Apr 1958 (Lien Book 2)
2	May 1958-Jul 1967 (Liens recorded in Cemetery

Reel**Description**

Deeds Book, series 19511)